

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. Ricky Dial**

**Docket No. 7:12-CR-84-2FL**

**Petition for Action on Supervised Release**

COMES NOW Thomas E. Sheppard, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ricky Dial, who, upon an earlier plea of guilty to Conspiracy to Possess and Train Animals for an Animal Fighting Venture, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on March 6, 2013, to the custody of the Bureau of Prisons for a term of 8 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 24 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Ricky Dial was released from custody on November 1, 2013, at which time the term of supervised release commenced. On July 28, 2014, the court was advised of a positive drug test and the defendant was referred for outpatient treatment.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant submitted urine specimens on October 28, November 3, and November 18, 2014, all of which tested positive for marijuana. The defendant admitted that he used marijuana, stating that he was 'scared' over a severe skin condition that he developed. He has been participating in outpatient treatment. Additionally, the defendant has made no restitution payments. This is due for the most part to his ongoing unemployment. We recommend the defendant be required to serve a three day term of imprisonment as a sanction for these violations. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

5. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 days as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt  
Robert K. Britt  
Senior U.S. Probation Officer

/s/ Thomas E. Sheppard  
Thomas E. Sheppard  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: December 8, 2014

**ORDER OF COURT**

Considered and ordered this 9th day of December, 2014, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan  
U.S. District Judge